

Draft Minutes
Beaches and Shores Advisory Committee
Tuesday, April 7, 2016, 9:00 a.m.
Building Construction Services Large Conference Room
18400 Murdock Circle, Port Charlotte, FL 33948

****Please note that one or more Charlotte County Commissioners may be in attendance at any meeting of the Beaches and Shores Advisory Committee****

Members Present

Clifford Kewley, Member-at-Large, Chairman
Tommy Brock, District 3 / Vice Chairman
Dick Whitney, District 1
Robert Pierce, FL Shore & Beach Preservation Assoc.

Members Excused

[vacant], District 5
Rich Parchen, District 4
Katherine Ariens, District 2

Staff Present

Matt Logan, Charlotte County Engineering Division
Gayle Moore, Recording Secretary

Guests Present

Michael Poff, Coastal Engineering Consultants
Commissioner Stephen R. Deutsch

Call to Order

Chairman Kewley called the meeting to order at 9:01 a.m. and led the group in the Pledge of Allegiance.

Following the roll call, and on motion made by Mr. Whitney, seconded by Mr. Brock and carried unanimously, the minutes from March 3, 2016, were approved as received.

Additions/Deletions to Agenda Items

Chair Kewley asked whether there were any additions to the agenda; none were offered. He introduced Ben Bailey, Charlotte County Building Official. Chair Kewley commended the recent County activities in support of the beach renourishment project.

Citizens Comments on Agenda Items

None were offered.

New Business

None offered.

Old Business

Update on the Stump Pass 10-Year Inlet Management Plan

Chairman Kewley gave the floor to Michael Poff of Coastal Engineering Consultants to speak on the Stump Pass work; Mr. Poff indicated that the County is still waiting for the executed

State easement. He indicated he had heard good things from Tallahassee regarding recent appropriations of the sort that will fund these local projects (\$2.5mil in 2015; \$1.07 million expected for this year.) Mr. Poff responded to a question from Mr. Pierce with information about funds historically available for such uses, noting that documentary stamp revenue had contributed in the past, but had been greatly reduced during the recession.

Mr. Brock asked when the project work would be completed; Mr. Poff said the goal is March 1st, ahead of the bird nesting period and other environmental considerations. He felt most elements of the bid package would be in place before the end of April. Further discussion ensued regarding activity near the Pass which may have been related to movement of buoys in the area.

Commissioner Deutsch suggested that the issue of proposed work on the Boca Grande trestle and the no wake issue, both of which are moving forward, be brought up for discussion later in the meeting.

Mr. Brock raised an issue having to do with the depth of sand at the state park on the south end, which he measured at 17.5 feet; he and Mr. Poff discussed this and historic conditions.

Manasota Key Beach Erosion and Renourishment

Mr. Matt Logan of Public Works spoke regarding activity the County is undertaking to move this project along; he noted that the County will be using RESTORE funds for the project. Work is still being done to establish the MSTU; they want to get it right and not release information prematurely which may need to be corrected later.

Commissioner Deutsch relayed his office had begun receiving citizen complaints about using County funds to take care of private problems. He noted his support for using RESTORE funds to get moving, and these funds would be repaid out of the eventually-created MSTU and MSBU. Mr. Logan clarified that his understanding was that RESTORE funds would be used to fund the County's part of the project. Further discussion ensued as Commissioner Deutsch explained how this is supposed to work in terms of the \$5,000,000 the County had received from the BP settlement so far. Information was also offered regarding the information available online describing the funds disbursed from the RESTORE settlement for project grants that had been approved to date.

Mr. Brock commented that lack of renourishment on the north beach would eventually seriously affect the public beach; he felt the project should be acknowledged as being beneficial to all the public. Further discussion ensued on the natural processes that open and close the various parts of the coast to boat traffic.

Mr. Whitney commented to Commissioner Deutsch his impression that the County has spent a lot to benefit property owners which of course benefits the County and asked if this is an entirely open-ended process or will it have an end; he further commented that those residents on the beach who were currently holding up the renourishment project need to come to a decision. Commissioner Deutsch responded that he appreciated the point being made, but also appreciated the Constitution and individual rights vis-a-vis private property, noting that it was possible to get into imminent domain issues which can be very unpopular. He likened the funding issues on the beach situation to the question of requiring sewers in the County, and who should pay, noting that any high-cost project has this kind of baggage.

Mr. Brock asked whether final votes on the MSTU would be conducted via a mail-out contact to property owners; Commissioner Deutsch responded with thoughts on the pros and cons of the MSTU system for paying for such projects and about his interest specifically in the Stump

Pass groin project over the years, in hopes that it would save the taxpayer's money through paying less to dredge. Discussion regarding various aspects of Stump Pass continued for some time.

Chair Kewley returned the discussion to the North Key erosion and renourishment issues, noting that the theme of saving money, e.g. on dredging, would not apply to that type of project and that perhaps a more robust County taxing system might be required to accomplish that initially and sustain it in the long term. In the ensuing discussion on economic impacts of dredging the Pass, Mr. Logan commented that staff is actively looking for additional funds for the renourishment project and that one portion of the RFP for this project is to have the engineer also looking for additional funds.

Mr. Brock had a question regarding the current MSTU for Stump Pass; Mr. Poff responded that the MSTU is written specifically for dredging; an MSBU is paid only by those who get the beach fill benefit specifically. Mr. Brock asked who calls the shot on where dredged sand is put, and Mr. Poff indicated that was the State's call to make, and that it is in the Florida Statutes. Further discussion ensued on this subject, including possible enlarging of the existing MSTU, countywide MSTUs and related topics.

Mr. Pierce observed that it is nice to live on the beach, and also expensive; he commented that he moved off the beach when the economics of pleasure didn't add up anymore. He said he felt that if you don't live there, you shouldn't have to pay for someone else to have that pleasure. Mr. Poff offered the thought that currently we put public money (WCIND and Boater Improvement Funds) toward the dredging, which comes from all County residents, as well as tourism funds, so that tourists contribute as well.

Chair Kewley introduced County Building Official Ben Bailey, to speak on his recent visit to the Coast and his interaction with the residents regarding safety of their structures. Mr. Bailey indicated that there are a handful of buildings that are currently at risk; there is no current structure damage, but it seems inevitable. There are some emergency declarations in place out there now; engineers are being called in by the property owners to determine how to limit the risk which, if it can't be done, buildings eventually would be declared unsafe, which is an extreme we hope not to get to. He emphasized the importance of being proactive and also commented on the financial impacts; Mr. Brock noted that some owners are working together to have a concerted response, which is the best approach since one person's hardening can increase erosion on a neighbor's property if they are not working together. Mr. Bailey indicated that staff is tracking the owner's efforts to put defenses in place and confirmed that these are considered "temporary" measures, based on State determination. Commissioner Deutsch noted these activities will need permits and County is trying to assist in getting permits timely issued.

Mr. Pierce referenced the Pilkey Dean debates (discussed in these publications, among others:

<http://www.nytimes.com/1986/02/18/science/significant-rise-in-sea-level-now-seems-certain.html?pagewanted=all>

<http://www.erosion.com/armycorp.asp>

<https://books.google.com/books?id=kfs7SKM3x3cC&pg=PA53&lpg=PA53&dq=Pilkey+dean+debates+retreat+from+coast&source=bl&ots=seGDZY64uk&sig=TPjzRoQpc2Atc7sq8KRRsMA sJL0&hl=en&sa=X&ved=0ahUKEwiN3quc5f LAhUFbiYKHb4MBYUQ6AEINDAE#v=onepage&q=Pilkey%20dean%20debates%20retreat%20from%20coast&f=false>

noting that the options used to include retreat; he commented that he never hears retreat mentioned anymore, but feels this is going to be an ongoing issue. He emphasized that he

was not suggesting that this is an easy question. This observation led to a lively exchange of opinions on this option.

Mr. Brock asked what "temporary" means with regard to sand bags; Mr. Poff responded that permits may specify you have to remove those emplacements before placement of sand begins.

Chair Kewley asked Mr. Bailey if there are lists of approved remedies or solutions for armoring; Mr. Bailey indicated that would be answered at the State level through their Department of Environmental Protection and noted that the local Building Dept. doesn't inspect for sandbags or things of that nature, only the safety of the residential structure. Chair Kewley asked if there are any more at-risk properties; Mr. Bailey responded that there are a handful that are not yet in emergency circumstances, but may get there.

Mr. Whitney asked Mr. Bailey if these property owners contacting the state for remedies; Mr. Bailey indicated that they should be doing that, and that when they come to us for the emergency declaration, that's a recommendation that both Zoning and Legal would make available to them. Mr. Poff added that property owners will need a state permit before the County will issue any building permits for the temporary structure. Responding to a question from Commissioner Deutsch, Mr. Poff noted that it takes about six months to get a Coastal Construction Control Line (CCCL) permit, and that's considered very quick in normal times; situations involving emergency declarations are different, but what the state says is an emergency is different than what property owners may consider an emergency.

Chair Kewley returned the floor to Commissioner Deutsch for his comments regarding the trestle repair work which will be done on a shared-cost basis with WCIND and hopefully being split 80/20. Further discussion ensued on the WCIND meetings.

Mr. Whitney asked the Commissioner about the person who rents the beach chairs at the public beach, whether he can keep his ATV; Commissioner Deutsch indicated that he thought the man may be able to stay. Commissioner Deutsch left the meeting 10:15 a.m.

Citizen Comments

Chair Kewley opened the floor to citizen comments.

Mr. Andy Wing, resident of Manasota Key; to Mr. Whitney's comment, he responded that the boundaries for the MSTU as proposed for beach renourishment will not be countywide. The Stump Pass MSTU is everything west of the Myakka River. Mr. Whitney restated his question regarding county time spent on education, asking if this time will continue to be spent forever, or if there will be a cut-off time where people have to make a decision. Mr. Wing thought education would necessarily continue because storms will continue to change the beach profile and work will continue to be done. Mr. Wing indicated that Commissioner Truex had considered forming a separate MSBU with a boundary at the Myakka River, but got sufficient negative pushback that the idea was abandoned. He also indicated that the County has been able to reduce the six-month review time referenced by Mr. Poff earlier down to 2-3 weeks. Mr. Wing also recommended a drone video showing erosion, which he received from Ed Hill of the Englewood Chamber, and indicated he would supply to the group.

Mr. Brook Risner, property owner on Manasota Key, gave his perspective, specifically in response to the concept that those living on the beach should pay for the renourishment, which he said he agreed with in principal. However, he noted, he is still paying taxes on 50 feet of dry sand beach that has disappeared. Mr. Risner's position is that he doesn't mind paying for the sand, if it remains his private beach, but if it is public, that's not fair. Mr.

Pierce and guest Rebecca McCracken of the Tamarind Condos joined that discussion. Ms. McCracken drew attention to the drop in property values with the loss of beach; she felt this drop in value will show up in the coming year's property taxes. Mr. Risner also mentioned neighbors of his who have lived on the Key for 30 years who are not willing to participate in any renourishment that causes them to lose their property; he felt a much better effort was needed to help people understand the situation, and to make it affordable for people, especially those whose resources have dwindled over the years. Chair Kewley commented that these folks may in fact take the position that they are content to just let the sand go away and watch their revetments fall into the Gulf, but it also remains true that the County may therefore have to do things that they don't like.

Mr. Wing observed that this advisory committee will have nothing to say about beach renourishment; that will be the responsibility of the MSTU being formed for the renourishment project and that's who you need to appear before. In response to a question from Mr. Risner, Mr. Wing stated that the County had not yet established a millage rate for that MSTU; only the boundaries. Ms. McCracken asked if the project was definitely moving forward, and Mr. Wing noted that there will have to be public input meetings first. Ms. McCracken felt it was a problem if meetings were held when people were out of town; Mr. Risner expressed concern about 4-5 people holding up the entire project.

Mr. Poff spoke to these issues, noting that establishment of an MSTU does not need majority approval. The second requirement is the Erosion Control Line (ECL) which also requires a public hearing which would include attendance by a state hearing examiner who will listen to objections; approval based on the hearing examiner's experience. He may be swayed by the opposition of a majority of people attending, even if those people do not represent a majority of all affected property owners. He advised that full attendance of Key property owners would be essential, and also said he believed the state would schedule the meeting for a time when most people would be present, because it would not be attached to a budget cycle the way MSTU/MSBU meetings are.

Mr. Poff noted that when beach erosion had been addressed in the past on the south part of the Key, property owners (a number of who had properties at risk of condemnation) accepted the location of the erosion control line very near their structures as a better option than having the structure condemned. Ms. McCracken said she felt it also improved their property values; Mr. Poff acknowledged this and also the fact that, for property owners with no intention of selling their property, this improvement in value was not much of an incentive.

In response to a comment from Mr. Risner, Mr. Poff acknowledged that it was unlikely there was an argument that could convince every single property owner to sign on to the renourishment activities. He felt that the only option for the County, which was currently being pursued, was to find as much money as possible to contribute to the project (which is different than the approach to Stump Pass, for instance.) Lastly, Mr. Poff noted with regard to the construction easements, the County did not wait for 100% buy-in on the south end of the Key, taking the position that if a few individuals oppose or try to stop the project, it would be dealt with at that time. In other communities, he said, they may choose to "leap-frog over" the hold-outs, but the situation on the north part of the key, where there's NO BEACH left, would not permit this. He closed by noting that this is a hugely complex project.

Mr. Pierce posed a question about letting natural wave action bring in sand; Mr. Poff noted that method takes too long to have construction crews on stand-by waiting for sand to accrue. Some additional discussion ensued on this point.

Chair Kewley suggested that Mr. Bailey make a presentation for a later meeting showing photographs of the situation and talking about the potential failure of structures. Ms. McCracken noted that Beaches and Shores have had many meetings on this subject, and property owners have had the opportunity to educate themselves, but have they come and educated themselves? Mr. Risner conceded that these residents are "pretty stuck in their ways". Mr. Risner suggested topics that might get their interest, but also asked why certain ordinances (e.g., dogs on the beach) couldn't be "waived" for these property owners to encourage their participation in the beach restoration. He felt these would be incentives that would diminish their fears about the beach being "public".

Mr. Brock spoke on the possibility of convincing the legislature to grant people 20 feet of private beach on the restored beach; otherwise, he felt property owners would be likely to challenge the valuation of their property now that it's lost 20-50 feet of sand to the water. Mr. Poff said he felt it would be a non-starter, given how many ECL already are established in the state, and such a change would un-do all those existing projects. Further discussion ensued on this topic, Mr. Poff suggesting there would be more likely success basing a request on 'the toe of the revetment' since the State traditionally has not wanted to own any such structure.

Mr. Risner asked a question on prospective depth of sand; Mr. Poff responded it would likely be five-six feet deep.

[To hear the discussion in its entirety, please visit the Charlotte County Government website at <https://www.charlottecountyfl.gov/boards-committees/bsac/Pages/Meeting-Minutes.aspx> and choose the audio file for April 7, 2016.]

Staff Comments

None offered

Member Comments

Mr. Brock commented that there were six poles off the public beach that used to have signs on them, and suggested that the County should be able to build a sign that stays on the pole, but they are all gone within two years, leaving the poles sticking up. Mr. Logan said he would follow up with Mr. Ouimet on that issue.

Chair Kewley indicated there would be no field trip in spring but suggested that the group go to Stump Pass again in the fall to view the progress of that project. He indicated that the May meeting will be here in Murdock unless better information was to become available that concerned the Key property owners, in which case the Tringali center would be reserved – however, he indicated, it did not seem likely at this time.

Adjournment

Motion to adjourn was offered by Mr. Brock, seconded by Mr. Pierce; the meeting adjourned at 10:33 a.m.

Respectfully submitted,

Gayle Moore
Recording Secretary

Minutes Approved by

Clifford Kewley, Chairman
Beaches & Shores Advisory Committee